

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Agriculture Department – Public Services – Sri P.S.K.V. Prasad Rao, Typist, Nizamabad and Smt. Y. Swaroopa Rani, Junior Assistant, Nizamabad District – Condonation of break of service on account of retrenchment – Orders – Issued.

G.O. Rt. No. 757

Dated:26.06.2009.

Read the following:

- 1) From the Commissioner & Director of Agriculture, Hyderabad letter No.A6(2)1751/2005, dated 5.09.2005.
- 2) From the Commissioner & Director of Agriculture, Hyderabad letter No.A6(2)1751/2005, dated 18.09.2006.
- 3) From the Commissioner & Director of Agriculture, Hyderabad letter No.A6(2)1751/2005, dated 05.02.2008.

ORDER:

In the letter first read above, the Commissioner & Director of Agriculture, Hyderabad has reported that Sri P.S.K.V. Prasad Rao, Typist and Smt. Y. Swaroopa Rani, Junior Assistant, Nizamabad District have submitted representation for counting of their five years service rendered in Cooperative Department i.e., DCMS Ltd., for service benefits, as was done in similar case of Sri G. Venkat Reddy, who was absorbed as Junior Assistant in the A.P. Social Welfare Department in terms of G.O. Ms. No.1002, GAD, dated 29.11.1967 by the District Collector, Nizamabad. The request of above individuals has been rejected by the Government vide Memo. No.1721/Agri.IV(2)/2000-4, A&C, dated 21.9.2001.

2. Aggrieved by the above orders, Sri P.S.K.V. Prasad Rao, Typist, Nizamabad District has filed OA No.2042/2002 for seeking relief on the above orders of Government. The Hon'ble Tribunal in it's order dated 16.8.2005 in OA No.2042/02 passed orders that having considered the G.O. Ms. No.1002, General Administration (Ser.) Department, dated 29.11.1967 applicable to other employees, who are similarly situated to that of the applicant, cannot deny a similar relief to the applicant herein and directed that the services of the applicant shall be regulated on similar lines to that of the individuals covered by G.O. Ms. No.2, dated 8.1.2002. Government have filed WP No.9653/06 before Hon'ble High Court of Andhra Pradesh against the orders of Hon'ble Tribunal in OA No.2042/02. The Hon'ble High Court of Andhra in the order dated 08.06.2006 has directed that there is no reason to discriminate the respondent with the other employees who have been extended similar benefit. Hence the High Court did not find any merits in the WP, and dismissed the W.P.

3. The Commissioner & Director of Agriculture, Hyderabad has therefore, requested the Government to issue suitable orders in the matter.

4. The above proposal of the Commissioner & Director of Agriculture, Hyderabad has been examined by the Government in detail keeping in view the orders passed by the Hon'ble Tribunal in OA No.2042/02 and Hon'ble High Court of Andhra Pradesh in WP No.9653/2006 and also in terms of G.O. Ms. No.1002, GA(Ser.A) Deptt., dated 29.11.1967 read with item (C) of letter No.341/68-3, G.A. (Ser.A) Deptt., dated 27.5.1968. The break of service of Sri P.S.K.V. Prasad Rao, Typist and the services of Smt. Y. Swaroopa Rani, Junior Assistant from the date of retrenchment to the date

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of joining are condoned, in terms of Sub-para (iii) of G.O. Ms. No.1002, General Administration (Ser.A) Department, dated 29.11.1967 and the period of former qualifying service at the time of retrenchment will be linked with the period of subsequent qualifying service on re-absorption for the purpose of pension and the service will be reckoned as continuous service for the purpose of pension only.

5. The Commissioner & Director of Agriculture, Hyderabad is requested to fix the pay of the individuals by following procedure prescribed at para-1(i) of G.O. Ms. No.1002, General Administration (Ser.A) Department, dated 29.11.1967.

6. This order issues with the concurrence of Finance (Pen.II) Department vide their U.O. No.8845/89/A1/Pen.II/09, dated 7.4.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**RACHEL CHATTERJEE
PRINCIPAL SECRETARY TO GOVERNMENT**

To
The Commissioner & Director of Agriculture, Hyderabad.
Copy to:
Finance (Pen.II) Department.
SF/SCs.

//Forwarded::By Order//

SECTION OFFICER